

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

KEVIN WAYNE JONES,

Petitioner

VS.

TONY HENDERSON and Dr.
B. HENDERSON,

Respondents

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CIVIL ACTION NO. 5:07-CV-435 (HL)

ORDER

Petitioner Kevin Wayne Jones, an inmate at Rivers State Prison in Hardwick, Georgia, sent this Court a document that he entitled “Writ of Habeas Corpus Title 28 U.S.C. § 2241.” Petitioner did not use the habeas forms required by this Court and he failed to pay the required filing fee or request to proceed *in forma pauperis*.

After review of the document submitted by petitioner, the Court was unsure of what remedy petitioner wanted and was unsure if petitioner actually wanted to file a habeas corpus action pursuant to 28 U.S.C. § 2254 or a civil rights action pursuant to 42 U.S.C. § 1983. Therefore, in an Order dated November 20, 2007, the Court ordered petitioner to clarify whether he wanted to file a habeas action or a § 1983 complaint.

The Court further ordered petitioner that, should he decide that he is actually attempting to file a civil rights complaint, he must complete and submit a 42 U.S.C. § 1983 form and either submit the full filing fee of \$350.00, or execute and return a financial affidavit seeking leave to proceed *in forma pauperis*. The Court informed petitioner that alternatively, should he decide that he is actually attempting to file a writ of habeas corpus, he must complete and submit the attached 28 U.S.C. § 2254 form and either submit the full filing fee of \$5.00, or execute and return a financial affidavit seeking leave to proceed *in forma pauperis*.

The Court gave petitioner until December 14, 2007 to provide the aforementioned information and advised him that failure to submit the forms, pay the fee, or submit the required affidavit would result in dismissal of his action.

Petitioner has failed to respond to the Court's Order. Because of his failure to comply with the Court's instructions, petitioner's action is hereby **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 9th day of January, 2008.

s/ *Hugh Lawson*
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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